

**RECEIVED
CENTRAL FAX CENTER****DEC 26 2006**Remarks:

Reconsideration of the application is respectfully requested.

Claims 14 - 26 are presently pending in the application. As it is believed that the claims were patentable over the cited art in their original form, the claims have not been amended to overcome the references.

In item 2 of the above-identified Office Action, claims 14, 16, 17, 22 and 24 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U. S. Patent Application Publication No. 2006/0120731 to Faska et al ("**FASKA**").

In item 3 of the Office Action, claim 23 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **FASKA**. In item 4 of the Office Action, claims 15 and 18 - 21 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **FASKA** in view of U. S. Patent No. 6,731,881 to Nomura ("**NOMURA**"). In item 5 of the Office Action, claims 25 - 26 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over **FASKA** in view of U. S. Patent No. 7,002,131 to Lewis ("**LEWIS**").

Applicant respectfully traverses the above rejections.

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Among other reasons for traversing the rejections, Applicant traverses the current rejections based on, at least the **FASKA** and **LEWIS** references **not being prior art** to Applicant's claimed invention. More particularly, Applicant respectfully notes that **FASKA** has an effective date as a reference of **June 5, 2003**, while **LEWIS** has an effective date no earlier than **January 24, 2003**. See 35 U.S.C § 102(e). Applicant is providing herewith, evidence of Applicant's conception and reduction to practice of the claimed invention, at least as early as **October 18, 2002**. As such, Applicant believes that the **FASKA** and **LEWIS** references are not properly citable art against Applicant's claimed invention.

In particular, Applicant is submitting herewith an unsigned copy of a Declaration Under 37 C.F.R. § 1.131 attesting to the conception and reduction to practice of the invention of the instant application **at least as early as October 18, 2002** (i.e., prior to the effective date of **June 5, 2003** of **FASKA** and **January 24, 2006** of **LEWIS**). A signed copy of the §1.131 Declaration will be provided, shortly.

In support of Applicant's prior conception and reduction to practice, Applicant is enclosing herewith, a dated (i.e., "datum") **October 18, 2002**, and entitled "**Preliminary Specification Receiver IC for Plastic Fiber Applications**" (the

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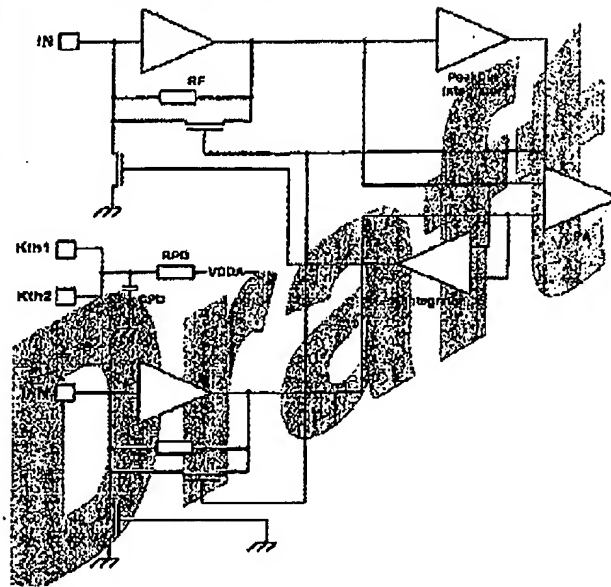
"**Specification**"). Applicant additionally notes that the document names the instant inventor as the patent engineer (i.e., "Bearb. Schrödinger") on that **Specification**.

That the inventor was fully in possession of the invention of claim 14, at least as early as the October 18, 2002, can be seen from the **Specification**, as follows:

| <u>Applicant's Claim 14</u> | Preliminary Specification Receiver IC for Plastic Fiber Application dated October 18, 2002 |
|--|--|
| <p>An optical receiver circuit, comprising:</p> <p>a differential amplifier including a first input and a second input;</p> | <p>"50 Mb/s Optical Receiver IC for Plastic Optical Fiber (POF) Applications" Page 1 of the Specification, lines 2 - 3. [emphasis added by Applicant]</p> <p>"The receiver consists of the following circuit blocks:</p> <ul style="list-style-type: none"> - Differential transimpedance amplifier (TIA) - Differential post amplifier (PA) - Single ended CMOS output driver - Current sense, network activity detection and power down circuit - Signal detect - Voltage regulator <p>The TIA consists of a differential or two single ended CMOS TIAs. Therefore for differential use a 2nd input is available (inverted, may be left open for single ended usage)." Page 2 of the Specification, lines 4 - 12. [emphasis added by Applicant].</p> <p>See for example, Fig. 2 on page 4 of the Specification, reproduced herebelow:</p> |

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FIGURE 2: DETAILED TIA BLOCK DIAGRAM



See also, Fig. 1 on page 3 of the Specification.

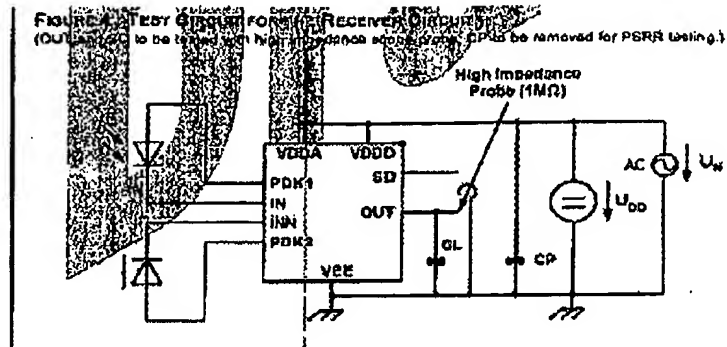
an optical reception device connected to said first input of said differential amplifier, said optical reception device having an electrical behavior in an illumination-free case; and

an electrical element for simulating the electrical behavior of said optical reception device in the illumination-free case, said electrical element connected to said second input of said differential amplifier.

"If this inputs (IN, INn) are used differentially with a differential photo diode an improved PSSR is guarantied. On the TIA input (IN) a DC control current is applied to hold the input free from DC current and so the output of both TIAs have zero offset voltage (see detailed block diagram in fig. 2). A peak detect and an amplitude control circuit is implemented to control the TIA feed back reseistance for a high dynamic range. A low pass filter on the kathode of the photodiode is implemented for improving PSRR (bandwidth of low pass tbd.)." Page 2 of the Specification, lines 12 - 18. [emphasis added by Applicant].

See, for example, Fig. 4 on page 5 of the Specification, reproduced herebelow:

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See also, Fig. 5 on page 6 of the Specification and Fig. 9 on page 13 of the Specification.

As such, the features of Applicant's sole independent claim, claim 14 of the instant invention, are disclosed in the Specification of October 18, 2002. The enclosed Specification is not, merely, an invention disclosure, which would be evidence of reduction to practice, but is an actual specification (i.e., plan) for building the claimed invention. Figs. 1, 2, 4, 5 and 9 of the Specification show the physical and tangible form of Applicant's claimed invention. It is believed that the provided Specification is sufficiently detailed and demonstrates the physical and tangible form of the claimed invention to such a degree, that the specification, itself, demonstrates the workability of Applicant's claimed invention. In view of the foregoing, Applicant believes that the Declaration under §1.131, as supported by the enclosed Specification, demonstrates the reduction to practice of Applicant's claimed invention, at least as early as, October 18, 2002.

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Applicant reserves the right to prove an earlier conception and/or reduction to practice. For example, appended to the **Specification** are two notebook pages relating to the claimed invention, one page of which contains what appears to be a date of "27.9.0_", the last digit of which appears to be truncated by the copy machine.

In view of the foregoing, because **FASKA** and **LEWIS** are not statutory bars to Applicant's invention, and because the effective dates of **FASKA** and **LEWIS** are **after** the reduction to practice of the present invention, Applicant respectfully believes that **FASKA** and **LEWIS** are unavailable as prior art. Therefore, Applicant respectfully submits that the Section 102 and 103 rejections on pages 2 and 3 of the Office Action are moot and requests that they be withdrawn.

Further, the **NOMURA** reference, cited in the Office Action in combination with **FASKA** against certain of Applicant's dependent claims, does not teach or suggest the limitations of Applicant's claims. Among other limitations of Applicant's claimed invention, **NOMURA** fails to teach or suggest providing a second optical reception device functioning in an illumination-free case.

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It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claim 14. Claim 14 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 14.

In view of the foregoing, reconsideration and allowance of claims 14 - 26 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

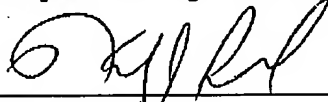
Additionally, please consider the present as a petition for a one (1) month extension of time, and please provide a one (1) month extension of time, to and including, December 26, 2006, to respond to the present Office Action.

The extension fee for response within a period of one (1) month pursuant to Section 1.136(a) in the amount of \$120.00 in accordance with Section 1.17 is enclosed herewith.

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Please provide any additional extensions of time that may be necessary and charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,



For Applicant

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Reg. No. 37,237

December 26, 2006

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